

first cable directional block forms a curved internal passageway guiding the drive cable from the first cable channel to a first entry point. --

REMARKS

Claims 1 - 30 are pending in the application, of which claims 18 - 21 stand withdrawn from consideration pursuant to a restriction requirement, and the remaining claims stand rejected under 35 U.S.C. §112 and 103. In view of the foregoing amendments and the following remarks, applicants request reconsideration of the rejection of the claims and reexamination of the application.

Examiner Interview

As a preliminary matter, the undersigned and applicant's assignee's in-house attorney, Bob Roth, wish to thank Examiner Cohen for the personal interview regarding this application granted on June 2, 1997. A proposed amendment to Claim 1 was presented and discussed, focusing on the **cable directional block** integral with a lower horizontal portion of the frame. Specifically, in the proposed amendment to Claim 1 a first cable directional block is recited, forming a **curved internal passageway** guiding the drive cable. An alternative version of amended Claim 1 was presented and discussed briefly, wherein the cable directional block is defined as contacting a lower horizontal portion of the frame member, rather than necessarily being integral therewith. Also, an amended version of Claim 4, reciting a cable directional block integral with the lower horizontal portion of the frame member, generally in correspondence with the first amended version of Claim 1, was presented

but not substantially discussed separately from Claim 1. Again, applicants are grateful to Examiner Cohen for his courtesy and helpful suggestions during the interview.

Restriction Requirement

Examiner Cohen has made a Restriction Requirement between apparatus claims 1 - 17 and 22 - 30, and method claims 18 - 21. Applicants hereby affirm the provisional election made with traverse to prosecute the invention of Group I, claims 1 - 17 and 22 - 30.

35 U.S.C. §112

The claims are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The rejection is respectfully traversed in view of the foregoing amendments and for the reasons discussed below.

Claims 1 and 4 each now is amended to call out a motor vehicle window construction in a motor vehicle. Similarly, Claim 27 calls out a window construction installed in a window opening of a motor vehicle body. Accordingly, each of these independent claims is believed to be directed to the combination (as correctly assumed by the Examiner at the bottom of page 3 in the Office Action). Accordingly, the rejection is deemed to be overcome.

35 U.S.C. §103

Claims 1 - 17 and 22 - 30 are rejected under 35 U.S.C. §103(a) over Kollar et al (U.S. 5,531,046) in view of Tschirschwitz et al (U.S. 5,333,411). The rejection is respectfully traversed

in view of the foregoing amendments and the following remarks. The Kollar et al patent fails to teach or suggest a motor vehicle window construction having a cable directional block forming a curved internal passageway for guiding a drive cable, such cable directional block being integral with or contacting a circumferential frame member. Also, independent claims 1, 4 and 31, as presented in the amendments above, each recite that a section of the drive cable extends in a cable channel in a substantially horizontal lower portion of the circumferential frame. In contrast, Kollar et al is directed to a motor vehicle window assembly wherein a tape drive and other components of a power drive mechanism 60:

“has absolutely no connection to the frame 32 of the window assembly 30 and is assembled as a unit completely independent and separate from the window assembly 30.” (Kollar et al, column 11, lines 47 - 50).

Thus, not only does Kollar et al fail to teach or suggest a cable directional block at the frame as now recited in independent claims 1, 4 and 32 of the present application, but Kollar et al actually teaches away from any such construction by instead calling for a drive mechanism to have “absolutely no connection to the frame.”

Claim 1, as amended above, does not recite the outer conduit of the first drive cable segment, as in the version discussed at the Examiner Interview. Independent claims 4 and 32 each does call out this feature, as does new Claim 31 which depends from Claim 1. The aforesaid distinction of Claim 1 over Kollar et al based on the cable directional block at the circumferential frame forming a curved internal passageway to guide the drive cable is believed, upon careful analysis, to establish

patentability. Claims 4, 31, 32 and other of the claims calling out the outer conduit feature, especially its having an end secured to the cable directional block, are seen to further patentably distinguish over Kollar et al. Kollar et al is directed to a tape drive rather than a cable drive and, accordingly, has no outer conduit which could be attached to a cable directional block.

The deficiencies of Kollar et al are not cured by secondary reference Tschirschwitz et al. Tschirschwitz et al fails to teach or suggest a circumferential frame member having a lower horizontal portion. It also necessarily fails, therefore, to teach or suggest a window pane mounted for travel in a lower horizontal portion of a circumferential frame member. Additionally, Tschirschwitz et al has no segment of a drive cable extending in a lower horizontal portion of a circumferential frame member, and has no cable directional block forming a curved internal passageway for guiding a drive cable at a lower horizontal portion of a circumferential frame member. Regarding Claim 31 and independent Claim 4 and 32, Tschirschwitz et al also fails to teach or suggest securing an outer conduit of a drive cable to such a cable directional block at a lower horizontal portion of a circumferential window frame.


For all these reasons, applicants submit that the rejection has been overcome and should be withdrawn.

Applicants also wish to note that an Amendment was filed in the present case on October 31, 1996 claiming continuation-in-part status based on prior co-pending U.S. patent application No. 08/369,345, now issued as U.S. patent 5,542,214. Such prior application was filed prior to the filing date of Kollar et al and, accordingly, Kollar et al is not prior art against the present claims to the extent they are supported in that prior copending application.

Various amendments are presented above to the claims, primarily to harmonize them with the newly-amended independent claims.

Conclusion In view of the foregoing amendments and remarks, applicants respectfully submit that all claims now under consideration in the application are in condition for allowance, which action is earnestly requested.

Respectfully submitted,
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CERTIFICATE OF MAILING

I hereby certify that this papers is being deposited with the United States Postal Service as first class mail on June 12, 1997 in an envelope addressed to The Commissioner of Patents and Trademarks, Washington, DC 20231.

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By: 
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